LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
FEB 1 1968
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

No. 973

RICHARD H. M. SWANN
and
SUPERVISOR OF ELECTIONS
of Dade County, Florida

Appellants,

-vs-

TOM ADAMS, Secretary of State of Florida;
E. L. GATES, Supervisor of Registration of
Broward County, Florida; and
W. B. FREEMAN, Supervisor of Registration
of Monroe County, Florida

Appellees.

JURISDICTIONAL STATEMENT

PAUL & SAMS
1314 First National Bank Building
Miami Florida 33131
Attorneys for Appellant,
Richard H. M. Swann

THOMAS C. BRITTON
County Attorney, Dade County
1626 Dade County Courthouse
Miami, Florida
Attorney for Appellant,
Supervisor of Elections of
Dade County, Florida

INDEX

	Page
JURISDICTIONAL STATEMENT	1
Opinions Below	2
Jurisdiction	2
Statutes Involved	3
Questions Presented	3
STATEMENT OF THE CASE	6
THE QUESTIONS ARE SUBSTANTIAL	15
The refusal of the District Court to enjoin for the 1967 biennial session of the Florida Legislature the reapportionment plan adopted by the 1965 Florida Legislature and to leave that plan in effect until April, 1969, and the refusal of the District Court to adopt a valid reapportionment plan for the 1967 biennial session of the Florida Legislature, repudiates the principles of *Reynolds v. Sims*	15
The decision of the District Court to leave in effect until November, 1966 a reapportionment plan already found unconstitutional by the Supreme Court and thereafter to permit the effectuation of an unconstitutional reapportionment plan violates the judgment of the Supreme Court in *Swann v. Adams*	18

INDEX (Continued)

Page

The districting for the Florida House of Representatives of only one county of the 67 counties in Florida on the basis of registered voters, not population, violates Appellants' constitutional rights 19

The "grandfathering" by the Florida Legislature in its reapportionment plan of Senators with no senatorial districts and of Senators with radically altered senatorial districts, the basing of senatorial districts on Congressional districts previously judicially determined to be unconstitutional, and the creating of senatorial districts in which the Senators must reside in underpopulated "satellite" counties, all violate Appellants' constitutional rights. 20

ABUSE OF DISCRETION 22

CONCLUSION 25

INDEX TO APPENDICES

Page

Appendix A-1. Opinion and Order of the Federal District Court of December 23, 1965. ..... App. 1

Appendix A-2. Opinion of the Supreme Court of the United States in *Swann v. Adams, et al.*, of June 22, 1964, 378 U.S. 553. ..... App. 8

Appendix B-1. House Bill No. 19-XX enacted by the Legislature of the State of Florida on June 29, 1965. ..... App. 9

Appendix B-2. House Bill No. 35-XX enacted by the Legislature of Florida and which became the law of the State on July 9, 1965. ..... App. 20

Appendix C-1. Senate Bill No. 10-X (63) as enacted by the Legislature of Florida. ..... App. 22

Appendix C-2. House Joint Resolution No. 5-X (63). A proposed amendment to the Constitution of the State of Florida. ..... App. 31

AUTHORITIES CITED

Cases:	Pages
In re Advisory Opinion to the Governor, 150 So. 2d 721	8
Baker v. Carr, 369 U.S. 186	3, 22
Ellis v. Mayor and City Council of Baltimore, 352 F.2d 123	20
Fortson v. Dorsey, 379 U.S. 433	19
Gong v. Burns, U.S.D.C., S.D., Fla. No. 64-143-Civ.	20, 21
Hurd v. Hodge, 334 U.S. 24	24
Jordan v. Green, 173 So.2d 448	9
Reynolds v. Sims, 377 U.S. 533	1, 3, 9, 10, 16-17, 22, 24
Shelley v. Kraemer, 334 U.S. 1	24
Sobel v. Adams, 208 F. Supp. 316 (S.D. Fla. 1962)	2, 6, 7, 8, 24-25
Sobel v. Adams, 214 F. Supp. 811 (S.D. Fla. 1963)	2, 9
Swann v. Adams, 378 U.S. 553	2, 3, 4, 18
Wesberry v. Sanders, 376 U.S. 1	21

IN THE

Supreme Court of the United States

No. _____

RICHARD H. M. SWANN
and
SUPERVISOR OF ELECTIONS
of Dade County, Florida

Appellants,

-vs-

TOM ADAMS, Secretary of State of Florida;
E. L. GATES, Supervisor of Registration of
Broward County, Florida; and
W. B. FREEMAN, Supervisor of Registration
of Monroe County, Florida

Appellees.

JURISDICTIONAL STATEMENT

This is an appeal by RICHARD H. M. SWANN, the Plaintiff below, and the Supervisor of Elections of Dade County, Florida,[1] a Defendant below, from an Order of the United States District Court for the Southern District of Florida entered on December 23, 1965 finding a legislative apportionment act unconstitutional under the rule of *Reynolds v. Sims*, 377 U.S. 533, as depriving Appellants and others similarly situated of due process and equal

[1]Martin Braterman has succeeded Claude Brown in this capacity.